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Letter dated 22 July 2013 from the Chargé d'affaires a.i. of the Permanent Mission of Norway to the United Nations addressed to the President of the Security Council

I have the honour to refer to the report of the Somalia and Eritrea Monitoring Group on Somalia of 16 July 2013 (see S/2013/413).

It is with serious concern that the Norwegian Government has noted that in its latest report to the Security Council the Somalia and Eritrea Monitoring Group has conveyed several serious and erroneous allegations implying that Norwegian assistance to Somalia is a cover to promote the commercial interests of Norwegian oil companies. Let me reassure you that these allegations are completely unfounded and simply wrong.

The allegations from the Somalia and Eritrea Monitoring Group are related to two different issues:

1. The involvement of DNO International ASA in Somalia;
2. Statoil's alleged interests in block L26 in Kenya.

Let me start with the latter. In item 37 of its report, the Monitoring Group implies that Statoil's alleged interests in L26 have affected the Norwegian Government's assistance to Somalia: "In this way, Norway's development assistance to Somalia may therefore be used as a cover for its commercial interests there". However, Statoil does not have any interest in the mentioned L26 block, and hence the entire premise of the Monitoring Group's allegations is completely mistaken. We are aware that Statoil had previously shown some interest in possible future oil concessions in Kenya. However, the Norwegian Government has advised the company not to apply for such concessions in areas affected by unresolved issues of maritime delimitation. It was also partly on this basis that Statoil decided not to get involved in the exploration of petroleum resources in this area.

The case regarding DNO International ASA is slightly different. Although the company has its headquarters in Norway, it is an international company with mainly foreign owners, mostly from the Middle East. The Norwegian Government has no ownership in the company. When the Ministry of Foreign Affairs of Norway became aware of the company's intention to get into the mentioned and disputed area of "Somaliland", the Ministry even warned DNO International ASA about the risks that it might entail and the negative consequences for the region.

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To imply that the Norwegian Government's assistance to Somalia may be "a cover for commercial interests" is therefore totally unfounded. This of course also applies to Norway's current cooperation with the Federal Government of Somalia and other international partners to set up a Special Financing Facility in order to help speed up the reconstruction efforts of the Federal Government of Somalia. The Special Financing Facility is seen as a temporary funding mechanism until the World Bank and other multilateral donors are ready to take over such responsibility. It is based on the so-called "New Deal" principles, in which the Federal Government of Somalia will have full responsibility for the use of the funds, while the donors will monitor that the funds are used properly and do not disappear through corruption or other malpractices.

The report of the Monitoring Group contains incorrect information concerning the Norwegian assistance to Somalia regarding the preparation of the possible establishment of an exclusive economic zone in the maritime areas off the coast of Somalia. I would like to offer the following information and comments.

On 5 April 2009, in a bilateral meeting in Mogadishu, the Transitional Federal Government of the Somali Republic requested Norwegian assistance in preparing the establishment by Somalia of an exclusive economic zone in the maritime areas off the coast of Somalia. The request was later confirmed by the President of the Transitional Federal Government of the Somali Republic, Sheikh Sharif Sheikh Ahmed, in a bilateral meeting in Istanbul, Turkey, on 22 May 2010, and also by the then Minister of Foreign Affairs of the Transitional Federal Government of the Somali Republic when he visited Oslo in January 2011. At the request of the Transitional Federal Government of the Somali Republic, the project was put on the needs assessment matrix of the Contact Group on Piracy off the Coast of Somalia, and at the 6th plenary meeting of the Contact Group on 10 June 2010, Norway confirmed its readiness to implement and finance the project.

To follow up these requests, the Ministry of Foreign Affairs of Norway sought the assistance of the Norwegian Mapping Authority.

In accordance with article 2 of Somalia's Law No. 37 on the Territorial Sea and Ports of 10 September 1972, the normal baseline from which the breadth of the territorial sea is measured is defined as the low-water line along the coast, unless specifically stipulated otherwise. On the basis of satellite images with a sufficiently high density, and in accordance with the above-mentioned article 2 of Somalia's Law No. 37 and the United Nations Convention on the Law of the Sea, the Norwegian Mapping Authority has provided a list of geographical coordinates of a total of 608 baseline points, specifying the geodetic datum, along the coast of Somalia from the border with Djibouti in the north to the Kenyan border in the south. The first seven points located closest to the border with Djibouti have not been determined with the technically stipulated accuracy. The remaining 601 points are calculated with an accuracy of one second of arc (30 metres). The baseline of Somalia consists of straight lines (geodetic lines) between the points on the list. The geodetic datum is WGS84. On the basis of this baseline, the Norwegian Mapping Authority has computed the outer limits of the territorial sea (12 nautical miles), the future contiguous zone (24 nautical miles) and the future exclusive economic zone (200 nautical miles) of the Federal Republic of Somalia through geographical coordinates of points, specifying the geodetic datum (WGS84).

New legislation will be necessary for Somalia to declare an exclusive economic zone in accordance with the United Nations Convention on the Law of the Sea. Norwegian experts have suggested an informal draft for a new Somali law on the territorial sea, the contiguous zone and the exclusive economic zone of the Federal Republic of Somalia. The proposed new law would supplement Law No. 37 on the Territorial Sea and Ports of 10 September 1972.

Norway remains in contact with the Federal Government of Somalia on these issues. In April 2013, a group of members of the Federal Parliament of Somalia made a study tour to Norway. At their request, the Norwegian Ministry of Foreign Affairs briefed the group on the issues described above.

It is well known that Somalia has unresolved issues of maritime delimitation with neighbouring Kenya. In due time the delimitation of the maritime zones between Somalia and Kenya will have to be effected in accordance with the pertinent provisions of the United Nations Convention on the Law of the Sea. There is no basis for the claims made by the Monitoring Group that the declaration by Somalia of an exclusive economic zone "would lead to a separate process of redrawing the maritime boundary towards a line of latitude" and that such a declaration "would almost certainly lead to a modification in Somalia's maritime boundary in favour of Kenya".

To conclude, I hope that, through the present letter we have clarified that the allegations in the latest report of the Monitoring Group suggesting that our Government's strong engagement to promote peace and development in Somalia and the region is in any way affected by the commercial interests of Norwegian companies are completely unfounded and mistaken. If any of these issues require any further clarification we are prepared to provide more information at any time.

I have the honour to request that the present letter be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Knut **Langeland**
Chargé d'affaires a.i.